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Dear Senators:

First, I want to thank you for giving your attention and valuable time to the problems of fly fisherman.

I am an attorney who specializes in Constitutional Law. I represent a recreational fisherman who hosts his friends every year at his vacation property near Eagle River, Wisconsin. From there, they have taken several fishing expeditions into the Upper Peninsula, where they buy supplies, eat at restaurants, and stay overnight at places like the Walleye Lodge and Timber Resort. But, this past year they did not go into Michigan. The reason was that they have always relied on a particular fishing guide who lives in Wisconsin, and a Michigan law (MCLA 324.48714(2)) provides that "a nonresident shall not act as a commercial fishing guide on the inland waters of Gogebic or Iron county." We are hoping this law will be changed, so they can return to the Upper Peninsula this summer.

In other contexts, laws like this one, which prohibit nonresidents from doing business in a state, have consistently been declared unconstitutional for two reasons.

First, they violate the Commerce Clause (Art. I, §8). In *Granholm v. Heald*, the Supreme Court struck down a Michigan statute that allowed only in-state wineries to sell directly to the public and banned out-of-state wineries from doing so. They held that a state may not deny out-of-state businesses the chance to compete against local businesses on equal terms.

Second, such laws violate the Privileges and Immunities Clause (Art. IV, §2). In *New Hampshire v. Piper*, the Supreme Court struck down a rule that prohibited nonresidents from practicing law in the state. They held that a state may not deny nonresidents the same privilege to practice their profession that it gives to its own citizens.

We want to thank Senator Zorn and officials at the Department of Natural Resources for listening to our concerns when we brought this law to their attention several months ago, and hope that this restriction can be repealed.

Yours truly,

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